

FOIA, Privacy & Records Management Conference 2009

***Office of the Administrative Assistant to the
Secretary of the Army***

Records Management and Declassification Agency

Privacy FISMA and Public Law 110-53 Reporting

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Federal Information Security Management Act



Part of the Electronic Government Act of 2002

<https://www.rmda.army.mil/>

Fundamental reasons for the Act:

- Technology & automation throughout the government caused concerns about protection, use & disclosure of information maintained on individuals
- Protect information & information systems from unauthorized access, use, disclosure, disruption, modification or destruction to ensure integrity, confidentiality and availability of data

Federal Information Security Management Act (cont)



Key Principles:

- Agency funding for automation contingent upon assurances of security and authorized collection & use
- Privacy Impact Assessments (PIAs)
 - ✓ Analysis of automated systems containing Personally Identifiable Information (PII)
- Annual and Quarterly Reporting
 - ✓ Statistics on a wide range of agency Privacy practices
 - ✓ Narrative descriptions and responses to directed questions

Federal Information Security Management Act (cont)



Report Requirements

Numbers and Narrative Explanations

Systems of Records and Privacy Impact Assessments

- Number required/reviewed and number published/completed
- Scored under the President's Management Agenda
- Green 90% & above; Amber 80-90%; Red below 80%

Federal Information Security Management Act (cont)



Training for all personnel (ALARACT 051-2009)

Numbers of Reviews of:

- Section M Contracts
- Routine Uses
- Exemptions
- Matching Programs
- Violations: Civil and Remedial Action
- Statements

PUBLIC LAW 110-53

*Implementing Recommendations
of the 9/11 Commission Act of 2007*



Purpose:

- Review development & implementation of laws, regulations, procedures, policies, and guidelines relating to protecting the Nation against terrorism to ensure they balance with the need to protect individual's Privacy

Delegations:

- A senior officer to serve as the principal advisor to the department head & other officials in appropriately considering privacy concerns
 - ✓ DAASA appointed as the Army's Senior Agency Official for Privacy
- Agency Privacy Office to implement requirements, oversee & report
 - ✓ Army Privacy Office accomplishes

PUBLIC LAW 110-53

*Implementing Recommendations
of the 9/11 Commission Act of 2007*



Key requirements:

- Review development and implementation of:
 - ✓ Pending and enacted legislation
 - ✓ Agency Regulations
 - ✓ Policies and procedures
- Establish procedures to redress privacy complaints
- Provide advice on governmental powers and privacy
- Submit quarterly reports to Congress & Privacy Board

PUBLIC LAW 110-53

*Implementing Recommendations
of the 9/11 Commission Act of 2007*



Report composition

- **Number and types of reviews**
 - ✓ Privacy Act System of Records Notices & Exemptions
 - ✓ Privacy Act Statements
 - ✓ Computer Matching Agreements
- **Types of Advice and Responses**
 - ✓ Privacy Program Overview/Principles/Policy
 - ✓ SORNs and PIAs
 - ✓ SSN and PII Reduction Actions
 - ✓ PII Breach Reporting/Notification
 - ✓ Privacy Act Violations
- **Number of written complaints, description & disposition**



Army Challenges

Lack of awareness or understanding

- Although information has been disseminated numerous times, a significant number of activities still don't know about this requirement

Incomplete Reporting

- Less than 1/3 of Army activities report
- Personnel working with FOIA & Privacy (to include attorneys) are most likely giving occasional advice
- Becoming difficult to ignore glaring omission from key activities

Track your numbers and report!

- Make a sheet with the categories and record (tick mark) each instance
- Report the numbers to your servicing FOIA/Privacy Office quarterly

Questions???

